

**IN THE SPECIFICATION:**

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Please replace the second full paragraph of specification page 14 with the following replacement paragraph to incorporate the revisions set forth on the accompanying replacement page:

A<sup>1</sup>  
To the extent source and destination ports are used by entities 202 and 204, the port numbers are preferably selected in accordance with commonly owned and co-pending U.S. Patent Application Ser. No. 09/346,080 entitled A Protocol to Coordinate Network End Points to Measure Network Latency, which is hereby incorporated by reference in its entirety.

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Please replace the third full paragraph of specification page 21 with the following replacement paragraph to incorporate the revisions set forth on the accompanying replacement page:

A<sup>2</sup>  
Once the path states have been established within the devices along the selected path, source entity 202 preferably formulates and sends a test message to destination entity 204. In particular, latency determination engine 340 accesses time management facility 342 to create a time record or time stamp. Engine 340 places the time record into a test message and hands it down to the network communication facility 346 for transmission to destination entity 204. In the preferred embodiment, the format of the test message corresponds to the Network Endpoint Control Protocol (NECP), as described in previously referenced and incorporated U.S. Patent Application Ser. No. 09/346,080. The network communication facility 346 preferably encapsulates the test message containing the time record in a corresponding packet. For example, the network communication facility 346 may first create one or more transport layer packets similar to the TCP packet of Fig. 1B, placing the test message from engine 340 into the data field 156. In the source port field 152, latency determination engine 340 directs

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communication facility 346 to load the value used in the source port field 460 of the sender template object 444 from the path state setup message 400 described above. In the destination port field 154, communication facility 346 is directed to load the value used in the destination port field 472 of the session object 446 from the path state setup message 400. The transport layer packet is then passed down to the respective network layer where it may be encapsulated in a corresponding network layer packet, which, in the preferred embodiment, is preferably similar to IP packet 100 of Fig. 1A. Significantly, the test message utilized with the present invention does not include any options, thus there is no options area 130. In the IP SA field 126 of the test message, network communication facility 346 loads the IP address of source entity 202 (as utilized in the IP SA field 458 of the path state setup message 400), and, in the IP DA field 128, it loads the IP address of destination entity 204 (as utilized in the IP DA field 468 of the path state setup message 400). In the protocol field 122, communication facility 346 places the value, if any, previously utilized in the protocol field 470 from the path state setup message 400.

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